

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

GRACIELA GALINDO, et al.,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	EP-10-CV-454-DB
	§	
REEVES COUNTY, TEXAS, et al.,	§	
	§	
Defendants.	§	

BOP DEFENDANTS' MOTION FOR LEAVE TO FILE
MOTION IN EXCESS OF TEN PAGES

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW Defendants, BURRELL, NACE, DE JESUS, and GRUBE, (BOP Defendants) Individually, by and through the United States Attorney for the Western District of Texas, and hereby respectfully file this Motion for Leave to file their Motion to Dismiss or, in the Alternative, Motion for Summary Judgment, in excess of ten pages in the above-styled and numbered cause.

Rule CV-7, of the Local Rules states that motions filed with the Court shall be limited to ten (10) pages in length, unless otherwise authorized by the Court. Plaintiffs' have filed a Complaint in this Court alleging a Bivens cause of action against Bureau of Prison (BOP) Defendants arising out of the death of an inmate incarcerated at Reeves County Detention Center III in Pecos, Texas.

Upon review of Plaintiffs' pleadings, BOP Defendants have prepared a Motion to Dismiss or, in the Alternative, Motion for Summary Judgment, asserting that Plaintiff's claim should be dismissed for failure to state a claim and that BOP Defendants are entitled to Summary Judgment based on its defense of qualified immunity. BOP Defendants' Motion to Dismiss or, in the Alternative, Motion for Summary Judgment, attached hereto as if fully incorporated, is in excess of

ten pages. The length of the motion was necessary to properly address the issues involved in this litigation.

It is BOP Defendants' belief that this case can properly be disposed of through a motion to dismiss or motion for summary judgement and that valuable judicial resources may be saved if BOP Defendants are permitted to file this Motion to Dismiss or, in the Alternative, Motion for Summary Judgment, which is in excess of ten pages.

WHEREFORE, PREMISES CONSIDERED, BOP Defendants respectfully request that this motion be granted as to all things.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of August, 2011, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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ORDER

The Court, having considered BOP Defendants' Motion for Leave to File Motion in Excess of Ten Pages, this Court is of the opinion that said motion should be **GRANTED**.

It is, therefore, **ORDERED** that BOP Defendants' Motion to Dismiss or, in the Alternative, Motion for Summary Judgment be accepted for filing with the Court.

SIGNED this _____ day of _____, 2011.

DAVID BRIONES
SR. UNITED STATES DISTRICT JUDGE